

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARY L. CLUCK,

Plaintiff,

v.

JOSEPH LEHMAN, *et al*,

Defendants.

Case No. C02-5498RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's Motion for Hearing [Dkt. #53] and Motion to Proceed *In Forma Pauperis*¹ [Dkt. #55], and Motion to Proceed *In Forma Pauperis* on Appeal [Dkt. #58].

Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Plaintiff has filed a Notice of Appeal [Dkt. #58]. "The filing of a notice of appeal 'confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.'" *United States v. Ortega-Lopez*, 988 F.2d 70, 72 (9th Cir. 1992), quoting *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). The Clerk is therefore directed to strike docket numbers 53 and 55. The Court **DENIES** plaintiff's Motion to Proceed *In Forma Pauperis* on appeal pursuant to Fed. R. App. P. 24(a)(3)(A) because this appeal is not taken in good faith. Plaintiff is attempting to appeal a

¹The Court notes that plaintiff was previously granted *in forma pauperis* status [Dkt. #6].

1 judgment entered on September 6, 2003 9Dkt. #44] which is beyond the 30-day time limitation contained in
2 Fed. R. App. P. 4.

3 **IT IS SO ORDERED.**

4 The Clerk shall send uncertified copies of this order to all counsel of record, to any party appearing pro
5 se, and to the Ninth Circuit Court of Appeals.

6 Dated this 4th day of May, 2007.

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8 
9 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE